



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 12, 2005  
HUNTINGTON BEACH CIVIC CENTER  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

**ROLL CALL:**            *P*        *P*        *P*        *P*        *P*        *A*        *P*  
*Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Fuhrman*  
*Commissioner Burnett arrived at 5:30 p.m.*

### AGENDA APPROVAL

Chair Ray asked the Commission to consider a motion to modify the agenda by hearing Item A-2 prior to Item A-1.

**A MOTION WAS MADE BY FUHRMAN, SECONDED BY SCANDURA, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MARCH 8, 2005 WITH MODIFICATIONS (HEAR ITEM A-2 PRIOR TO A-1), BY THE FOLLOWING VOTE:**

**AYES:**            Dwyer, Scandura, Dingwall, Ray, Livengood, Fuhrman  
**NOES:**           None  
**ABSENT:**        Burnett  
**ABSTAIN:**       None

### MOTION APPROVED

## AGENDA ITEMS WILL BE LISTED IN THEIR ORIGINAL ORDER

### **A.    STUDY SESSION ITEMS**

#### **A-1.    CONDUCTING MEETINGS – Steve Ray**

Chair Ray explained that “Conducting Meetings” was placed on the study session agenda for educational purposes, and to allow discussion on Tom Livengood’s March 15, 2005 memo to the Commission on the same subject.

Leonie Mulvihill, Commission Counsel, discussed Brown Act preclusion on discussions on meeting conduct and free speech.

Chair Ray voiced concerns about Commissioner Livengood’s memo generating conversation outside the public forum, possibly creating cause for a Brown Act violation.

Commissioner Dingwall discussed third party participation in viewing varied information on Internet chat room boards. Ms. Mulvihill cautioned the Commission on the fine line between what does and does not constitute a Brown Act violation for involvement in public chat on the Internet.

Chair Ray felt that the issue comes down to a debate over the appropriateness of Internet chat.

Commission Livengood discussed his intentions in writing the memo. He voiced frustration over unnecessary dialogue and rambling comments during public hearings. He stressed the importance of being prepared in order to ask informed questions and move items along. He read the memo and stressed the importance of the Commissions responsibility to follow their By Laws, Rules and Protocol.

Commissioner Scandura voiced frustration over Commissioners being unprepared and asking technical questions, causing the length of time for action on simple projects to be unnecessarily long. He cited Rule 12 that states: "Give a brief reason when making a motion for approval, denial or abstention." He also discussed Commission pontifications, need for disclosures, disrespecting staff, Chair's enforcement of rules, and loss of credibility for the Commission.

Commissioner Dwyer suggested that Commission meetings not be televised, stating that it complicates the development process.

Commissioner Burnett concurred with the sentiments provided by Commissioner's Livengood, Scandura and Dwyer. She voiced concerns related to running commentary, repeatedness, and the unnecessary expense for staff's time.

Commissioner Fuhrman disagreed with moving items along quickly and making rush decisions. He discussed the Commission not being allowed to discuss projects outside the public hearing arena, making it necessary to ask questions and participate in a dialogue at the meeting. He agreed that the amount of vocal repetition should be prohibited. He also described discussion options and alternatives as recognizably different.

Commissioner Dwyer referenced a recent Subdivision Committee meeting as an example of how to hold a discussion with informed questions and answers. Commissioner Fuhrman responded that at the Subdivision Committee meeting, staff made it clear that comments and/or questions should relate to land use issues only.

Commissioner Fuhrman continued by stating that he felt that the March 8 public hearing on the Roosevelt Condominium project operated well, and by the discussion that took place that evening, a better proposal was developed. He discussed doing the public's business, and voiced concerns over purpose versus public embarrassment.

Commissioner Dingwall read the Brown Act definition of the term "deliberate." He also discussed his interpretation of legal disclosures, i.e. identifying a possible conflict of interest. He asked Commissioner Livengood to explain what he meant by shutting down a lengthy commentary. Commissioner Livengood explained that his comment did not apply to informative discussions with intelligent questions. Commissioner Dingwall stated that Commissioner Livengood's comments related to "old days" decisions, decisions by which a deal was done before the public knew about it. Commissioner Livengood called the statement an absolute lie. Ms. Mulvihill interjected, offering her complete disagreement of Commissioner Dingwall's interpretation of adequate disclosures. She explained the legal importance of disclosing all information (phone calls, site visits, discussion with applicants, information received from interested parties). She referred to information provided under Tab 12 of the Planning Commission

Orientation Binder that addresses Commission disclosure. Mr. Dingwall asked Ms. Mulvihill if a telephone log of each conversation he has on any particular City business should be kept. Ms. Mulvihill answered no, but explained that if a Commissioner's decision on an entitlement stems from information they receive outside the public arena, it must be disclosed.

Chair Ray agreed with statements made by Ms. Mulvihill, and Commissioner Livengood on enforcement of Rules & Protocol. He discussed the importance of respecting fellow Commissioners, staff and the public. He described how disrespect comes in many forms and voiced concerns about the negative tone of Commissioner Livengood's memo, disagreeing with quotes relating to the streamlining process and the Chair acting as a parliamentarian. He explained the parliamentary inquiry process, including information included within "Robert's Rules of Order." He also said that no one can speak for the City Council or the public, and that it is offensive to assume that one Commissioner speaks for the City Council. He voiced support for individual expression of one's opinion, and discussed the importance of paying attention to all pertinent details.

## **A-2. STUDY SESSION PRIORITY LIST – Steve Ray**

Chair Ray discussed his thoughts on breaking down study session items into categories (Role & Process, Technical Information and Future Interests), and prioritizing them accordingly. He called attention to the responses he received from Commissioners Scandura, Livengood and Burnett. Discussion ensued on identifying the category for each identified item with the following results:

### **ROLE & PROCESS**

1. Mitigation Monitoring Program (mitigation measure monitoring & tracking)
2. Planning Commission: Goals, Objectives, and Responsibilities
3. Planning Commission: Protocol
4. Public Hearing Process

### **TECHNICAL INFORMATION**

1. Housing Element/Affordable Housing (overview of applicable laws, ordinances, etc.)
2. Condominium Conversion Ordinance (overview of ordinance, projects, & schedule)
3. Redevelopment Projects (overview, proposed projects, & facilitate redevelopment)
4. Appeal Process (overview of process from counter to City Council)
5. Design Guidelines (overview, reverse gas stations, etc.)
6. Downtown Specific Plan/Downtown Parking Master Plan/In-Lieu Fees
7. Water Quality Master Plan
8. Approval Process (Counter, Zoning Administrator, Planning Commission, etc.)
9. Public Notification (Neighborhood, ZA, PC)
10. Mixed-Use (residential on top of commercial)
11. Infill Lot Ordinance
12. Landscape Ordinance (requirements)
13. Building Addressing: Fire department Specifications
14. Home Occupation Permits

**FUTURE INTERESTS**

1. Under grounding of utilities
2. Bicycle Lanes
3. White Hole Area/Cenco Development
4. Home Depot @ Kmart
5. Strip Mall Development

Chair Ray suggested that staff organize the list and forward to the Planning Commission for further review and schedule it for discussion.

**B. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland**

Herb Fauland, Principal Planner, reported no new information had been received on Public Hearing Item No. B-1 (Annual Review and Monitoring Report - Downtown Parking Master Plan) since the March 8, 2005 meeting, and that staff received 2 calls requesting copies of the staff report. He also identified minor typographical corrections to the staff report made by Commissioner Scandura, and also informed the Commission of Chair Ray's minor corrections to C Items 1, 2 and 3 (Planning Commission Minutes.)

**C. PLANNING COMMISSION COMMITTEE REPORTS**

Chair Ray mentioned that the Subdivision Committee met on April 6, 2005 to discuss Tentative Tract Map No. 16846 (Tesoro Townhomes) and Tentative Tract Map No. 16740 (Kelter Homes).

**D. PUBLIC COMMENTS**

Ron Davis, Huntington Beach, provided comments on Item A-1 (Conducting Meetings). He stated that the public perceives the Planning Commission as body that is agenda driven, mean spirited and ill prepared. He called Commissioner Fuhrman's cliché "the wheels of justice move slowly," a truism to some extent but don't always have to move slowly, effecting the public's perception of the process. He stressed the importance of being informed prior to input from the public, in order to form objective conclusions, stating that the decision making process should be open minded, not mean spirited. He closed by expressing outrage to Commissioner Dingwall's comments on the "old days" of decision making and deals being done before the public hearing, defaming past members of the Planning Commission and City Council prior to Commissioner Dingwall's appointment and suggesting past Brown Act violations and conspiracy.

**7:00 P.M. – RECESS FOR DINNER**

**7:25 P.M. – COUNCIL CHAMBERS**

**PLEDGE OF ALLEGIANCE – Led by Commissioner Scandura**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**ROLL CALL:**      *P          P          P          P          P          P          P*  
*Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Fuhrman*

## **AGENDA APPROVAL**

**A MOTION WAS MADE BY DINGWALL, SECONDED BY SCANDURA, TO APPROVE THE PLANNING COMMISSION MEETING AGENDA OF APRIL 12, 2005 BY THE FOLLOWING VOTE:**

**AYES:** Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Fuhrman  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

## **MOTION APPROVED**

Chair Ray announced that the public comment period for the Draft Recirculated Environmental Impact Report No. 00-02 for the proposed Poseidon Desalination Plant has been extended to May 27, 2005.

Commissioner Dingwall offered an apology to Ron Santos, Associate Planner, for his frustration and anger expressed during a public hearing item he presented at the March 8, 2005 meeting.

### **A. ORAL COMMUNICATIONS**

John Scott, Capistrano Lane, discussed his international travel experiences, his love for the Pacific Ocean, and the quality and conditions of beaches and ocean water in years past. He also discussed moving to Huntington Beach 33 years ago, and historical events that relate to urban runoff issues affecting the ocean's condition in Huntington Beach. He voiced his opposition of the proposed desalination plant and referenced a similar type of facility located in Tampa, Florida that has experienced unhealthy environmental issues.

Larry Porter, Ocean Outfall Group, voiced opposition to the proposed Poseidon Resources desalination plant and their tie-in with the AES Power Plant. He discussed air contaminants produced daily by AES and informed the Commission that Poseidon Resources is not an engineering firm. He also discussed operational deficiencies experienced by a desalination plant in Tampa, Florida. He also discussed his review of the recirculated draft EIR, describing it as very similar to the original. He stressed the importance of analyzing the intake/outfall of contaminants near the AES plant. He also urged the City Council to deny the project.

Jan Vandersloot, Newman Street, spoke in opposition to the proposed Poseidon Resources Desalination Plant. He informed the Commission and public that the public comment period for the recirculated draft EIR has been extended May 27, 2005. He voiced concerns that the Planning Commission would not have a chance to review new material such as the entrainment and impingement study. He also discussed comments on the EIR received from the State Department of Parks & Recreation related to bacterial readings and postings, AES discharge and coolant waters, and high bacterial levels.

Eileen Murphy, Citizens vs. Poseidon (CAP), informed the Commission that CAP will meet on Thursday, April 28 at 7:00 p.m. in Room B-8 at City Hall to discuss the draft recirculated EIR for the proposed Poseidon Resources desalination plant.

**WITH NO ONE ELSE PRESENT TO SPEAK, ORAL COMMUNICATIONS WAS CLOSED.**

**B. PUBLIC HEARING ITEMS**

**B-1. ANNUAL REVIEW AND MONITORING REPORT – DOWNTOWN PARKING MASTER PLAN (CONTINUED FROM MARCH 8, 2005 WITH PUBLIC HEARING TO BE**

**OPENED**): Applicant: City of Huntington Beach Planning Department Request: Annual review of the Downtown Parking Master Plan, documenting building activity and land use changes between June 1, 2003 and June 1, 2004 Location: Downtown Specific Plan area (generally bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street) **Project Planner**: **Ron Santos**

**STAFF RECOMMENDATION**: Motion to: “Accept as adequate and complete the annual review and monitoring report of the Downtown Parking Master Plan and forward to the City Council for their review.”

Ron Santos, Associate Planner, gave a staff report and provided a PowerPoint presentation. His discussion included staff’s requirements during the review period, introduction of the plan, land use changes, total square footage, inventory of existing parking, parking utilization and assessment. He informed in the Commission that he received no comments from the public on the item.

Commission disclosures: Commissioner Burnett recused herself from action on the item due to a possible conflict of interest; Commissioner Scandura spoke with staff; Commissioner Fuhrman drove the area; Chair Ray spoke with staff, drove the area and used downtown parking facilities.

Commission questions/comments covered:

- Land Use Inventory
- Utilization vs. adequacy in Area 2
- On-street and off-street parking inventory
- Percentage of parking spaces in the downtown structures that remain vacant throughout the year (average of 40% to 60%), based on master plan formulas
- In-lieu fee payment/maintenance (fund maintained by the City Treasurer with monitored payment program; City Council directs how the funds will be used)
- Environmental analysis on future projects (The Strand, Pacific City), and how they change parking demand
- Plaza Almeria vehicle storage
- Shared parking concept
- Parking demand vs. supply
- Surplus parking
- Parking validations paid for by downtown businesses

**THE PUBLIC HEARING WAS OPENED:**

Steve Stafford, Estate Circle, discussed lost revenue by the City closing downtown parking structures at 12:00 a.m., suggesting that the structures stay open until 2:00 a.m. He voiced concerns about the lack of U.S. Post Office parking downtown, and informed the Commission that a certain downtown business is restricting parking spaces in a public parking lot.

Steve Grabowski, Downtown HB Business Improvement District, voiced concerns related to the potential impacts on downtown parking caused by the Strand and Pacific City projects. He also discussed lack of available spaces in the Plaza Almeria structure during the summer months, inhibiting local customers from shopping and dining downtown. He urged the Commission to acknowledge the parking problems downtown and develop a more tangible assessment.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING CLOSED.**

Commissioner Scandura asked if the City would consider having downtown parking structures remain open later. Mr. Fauland stated that it was a possibility and that staff would forward the idea to the Community Services Department who oversees the downtown parking structures. Mr. Fauland also explained that the City Council annually reviews downtown parking structure fees and hours of operation, and that the Planning Commission's ideas and concerns would be included in the staff report forwarded to the City Council.

Mr. Fauland explained that the Downtown Council Subcommittee regularly discusses the parking validation program, and how the Subcommittee is responsible for forwarding recommendations to the City Council, along with input from the downtown Business Improvement District (BID).

Commissioner Fuhrman voiced concerns about the completeness of the report when data was not provided for the utilization of Area 2. Mr. Fauland explained that the analysis by staff concludes that development is consistent with the 2000 Kaku Parking Study, and without new development, parking is adequate.

Commissioner Fuhrman asked about the additional square footage and the lack of parking spaces identified during the public hearing. Mr. Fauland explained that the added 200,000 square feet was included in the 2000 Kaku report and re-analyzed and validated as part of the EIR process and analysis for The Strand project, based on the shared parking concept of the Downtown Parking Master Plan (DPMP).

Commissioner Livengood recommended that the Commission accept as adequate the annual review but include the requirement of a study on the parking impacts caused by the construction of The Strand project. The study would be conducted from June 2004 to December 2004.

Commissioner Dingwall voiced concerns about assumptions made on premises, and about what to consider as the proper mix between inventory, parking demand and supply, and future development caps. He stated that the plan relies too much on parking structure activity while the majority of the public doesn't use the parking structures because they are not maintained properly. He voiced opposition to finding the review adequate and complete.

Commissioner Dwyer asked for the annual timeline of the report. Mr. Fauland explained staff's analysis is not date restrictive and is completed when staff time permits. He also explained that whether the Commission accepts or rejects staff's recommendations, the report would be forwarded to City Council, and then to the California Coastal Commission. Mr. Fauland discussed the Coastal Commission's role in the decision making process, and how the report data suggests no foreseeable problems other than select summer events and holidays. He also discussed how the City Council and Coastal Commission accepted the shared parking concept, and how the next annual review may reveal some of the concerns expressed today. He informed the Commission that current construction on the Strand project will cause temporary removal of parking, but in order to avoid serious parking problems accommodations will be made through parking passes, etc. to provide adequate parking for the immediate area.

Chair Ray asked about the difference in total number of shared parking spaces identified on page 3 of the staff report versus the total number of existing on-street and off-street parking inventory identified on Attachment 5. Mr. Fauland explained how provisions within the DPMP allow for some shifting between land use categories in order to maintain certain thresholds and city-required parking standards.

Chair Ray voiced concerns about the parking deficiency identified on Attachment 7 not being discussed within the report. He suggested that staff disclose the information in the review. Mr. Fauland responded that the deficiency was identified in the 2000 Kaku Report and Shared Parking Analysis. He also reminded the Commission of their 2004 approval of a parking variance for 9 spaces in Area 2 that staff did not recommend, and that staff does not believe that a utilization problem exists. Chair Ray repeated that the report needed to specifically disclose insufficiency in codification for Area 1 and proposed an amendment. Mr. Fauland suggested that the Commission include the information as part of their recommendation to the City Council.

Commissioner Scandura reminded the Commission that the annual review period takes place from June 2003 to June 2004, and that activity following the review period would be reported in next years report. He also asked how quickly staff could release findings of the next annual review. Mr. Fauland answered that the goal is to report findings to decision makers before the end of 2005, dependent upon workload and staff resources. Commissioner Scandura asked for the quickest date possible. Mr. Fauland stated that a 6-month timeframe is needed for the study.

**A MOTION WAS MADE BY LIVENGOD, SECONDED BY RAY, TO IDENTIFY THE PARKING SHORTFALL OF 5 SPACES IN AREA 1 AND ACCEPT AS ADEQUATE AND COMPLETE THE ANNUAL REVIEW AND MONITORING REPORT OF THE DOWNTOWN PARKING MASTER PLAN AND FORWARD TO THE CITY COUNCIL FOR THEIR REVIEW, AND REQUEST THAT THE CITY COUNCIL DIRECT STAFF TO CONDUCT AN ADDITIONAL 6-MONTH REVIEW FROM JUNE 2004 THROUGH DECEMBER 2004.**

Commissioner Fuhrman would not support the motion because he felt the information provided for Area 2 was not complete.

Commissioner Livengood asked that the Commission focus on current issues and request that the City Council direct staff to conduct an additional 6-month review.

Commissioner Dingwall opposed the motion and voiced concerns about the Commission forwarding an incomplete report to the City Council with unresolved issues that may resurface in 6 months.

Commissioner Dwyer asked if a 6-month study were possible for Area 2. Mr. Fauland responded that Commissioner Livengood's recommendation for a 6-month analysis covers Areas 1 and 2.

Commissioner Fuhrman argued that an incomplete report should not be considered adequate. Mr. Hess stated that the key element of the report is to provide an update by identifying changes (3 new projects) that occur within the review period. He discussed current parking supply and demand. He also explained that the annual review is not meant to be as comprehensive as the 2000 Kaku Report, and is also not intended to analyze zoning compliance. He stated that the information provided is accurate based on the changes occurring since the last review period. He suggested that Commissioner Livengood's recommendation to request that the City Council direct staff to conduct a 6-month review be approved under a separate motion. Commissioners Livengood and Ray concurred.

Chair Ray voiced support for the motion, stating that the report accurately reflects activity within the last year. He also stated that the current on-street parking deficiency is not an issue to be considered tonight.



Commissioner Dingwall voiced opposition to the motion because he felt that the report did not sufficiently meet the minimum requirements for annual review of the DPMP identified in the Downtown Specific Plan (Attachment 2.2).

Commissioner Fuhrman stated that the report didn't identify a change in the Downtown Specific Plan, and that it should include a parking utilization study.

**THE AMENDED MOTION WAS RESTATED BY LIVENGOD, SECONDED BY RAY, TO IDENTIFY THE PARKING SHORTFALL OF 5 SPACES IN AREA 1 AND ACCEPT AS ADEQUATE AND COMPLETE THE ANNUAL REVIEW AND MONITORING REPORT OF THE DOWNTOWN PARKING MASTER PLAN AS AMENDED AND FORWARD TO THE CITY COUNCIL FOR THEIR REVIEW, BY THE FOLLOWING VOTE:**

**AYES:** Dwyer, Scandura, Ray, Livengood  
**NOES:** Dingwall, Fuhrman  
**ABSENT:** None  
**ABSTAIN:** Burnett

**MOTION APPROVED**

Commissioner Livengood proposed a motion that the Planning Commission review the adequacy of the 2000 DPMP.

Chair Ray confirmed with Mr. Fauland that such a request would take more than 4 hours of staff time to complete, and therefore must receive City Council approval.

Commissioner Dingwall discussed the 40 to 60% vacancy factor and maintenance related to downtown parking structures. Mr. Fauland explained that parking structure issues are commonly discussed at meetings held by the Council's Downtown Subcommittee, and that staff would identify the Commissions concerns in the staff report that will be presented to the City Council.

Commissioner Scandura discussed the many changes that have occurred downtown, and voiced support for a review of the 2000 DPMP.

Chair Ray provided support for the motion due to the parking issues identified downtown, future construction of the Strand and Pacific City projects, and possible closing of Main Street.

**A MOTION WAS MADE BY LIVENGOD, SECONDED BY RAY, REQUESTING THAT THE CITY COUNCIL DIRECT STAFF TO PREPARE A REVIEW AND STUDY OF THE ADEQUACY OF THE ADOPTED DOWNTOWN PARKING MASTER PLAN AND 2000 KAKU PARKING STUDY BY THE FOLLOWING VOTE:**

**AYES:** Dwyer, Scandura, Ray, Livengood, Fuhrman  
**NOES:** Dingwall  
**ABSENT:** None  
**ABSTAIN:** Burnett

**MOTION APPROVED**

Discussion ensued on a timeframe for the review. Mr. Fauland stated that review of the 2000 Master Plan and Kaku Report falls outside the annual review period, and that staff would continue to work on the next annual review period before completing the 2000 DPMP update.

Chair Ray requested that staff provide follow-up on an issue heard during public comments of a downtown business dedicating their own parking spaces in a public parking lot. Staff responded that the issue would be forwarded to Code Enforcement.

**C. CONSENT CALENDAR**

**C-1. PLANNING COMMISSION MINUTES DATED DECEMBER 7, 2004**

**RECOMMENDED ACTION:** Motion to: "Approve the December 7, 2004 Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA, TO APPROVE THE PLANNING COMMISSION MINUTES OF DECEMBER 7, 2004 WITH MODIFICATIONS BY THE FOLLOWING VOTE:**

**AYES:** Scandura, Ray, Livengood  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** Dwyer, Fuhrman, Burnett, Dingwall

**MOTION APPROVED**

**C-2. PLANNING COMMISSION MINUTES DATED JANUARY 25, 2005**

**RECOMMENDED ACTION:** Motion to: "Approve the January 25, 2005 Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY SCANDURA, SECONDED BY LIVENGOOD, TO APPROVE THE PLANNING COMMISSION MINUTES OF JANUARY 25, 2005 WITH MODIFICATIONS BY THE FOLLOWING VOTE:**

**AYES:** Scandura, Dingwall, Ray, Livengood, Burnett, Fuhrman  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** Dwyer

**MOTION APPROVED**

**C-3. PLANNING COMMISSION MINUTES DATED FEBRUARY 8, 2005**

**RECOMMENDED ACTION:** Motion to: "Approve the February 8, 2005 Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY BURNETT, SECONDED BY SCANDURA, TO APPROVE THE PLANNING COMMISSION MINUTES OF FEBRUARY 8, 2005 WITH MODIFICATIONS BY THE FOLLOWING VOTE:**

**AYES:** Scandura, Dingwall, Ray, Livengood, Burnett, Fuhrman  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** Dwyer

**MOTION APPROVED**

**D. NON-PUBLIC HEARING ITEMS**

**D-1a. GENERAL PLAN CONFORMANCE NO. 05-01 (Lamb School – Disposal of Property Interest – Jason Kelley**

**D-1b. GENERAL PLAN CONFORMANCE NO. 05-02 (Wardlow School – Disposal of Property Interest – Jason Kelley**

Herb Fauland informed the Commission that the City received a written request from Barry Blade, Superintendent of the Fountain Valley School District, to withdraw items D-1 and D-2 from formal action. Commission Scandura asked if the request was ministerial in nature, and what it entails. Mr. Fauland explained the request as a resolution with findings on the process of disposal of property for General Plan conformance.

**E. PLANNING COMMISSION ITEMS**

**E-1. PLANNING COMMISSION REQUEST ITEMS – None.**

**E-2. PLANNING COMMISSION COMMENTS**

**Commissioner Dwyer** – Disclosed that he spoke with Joe Carchio regarding Public Hearing Item No. B-1.

**Commissioner Scandura** – commented on the study session discussion on conducting meetings, stating he was pleased with the Commission's performance during tonight's meeting. He also voiced support for reevaluating the adequacy of the 2000 Downtown Parking Master Plan.

**Commissioner Dingwall** – None.

**Commissioner Ray** – announced the Commission's attendance at the annual Planner's Institute in Pasadena from April 13 - 15, 2005. He reminded the Commission to turn in their Statement of Conflict of Interest - 700 forms to the City Clerk, and the acknowledgement of receipt forms for AR 412 Harassment in Employment Policy and City Code of Ethics to the recording secretary. He thanked Wendy Weber for her letter to the Commission on a red tail hawk's nest at the site of the Roosevelt Townhomes. He distributed current copies and compact discs of the complete 2003 Brown Act provided by Commissioner Dingwall to the new Commissioners. He then announced that the Shipley Nature Center is hosting a ribbon cutting for the new entrance gate on April 16 at 11:00 a.m.

**Commissioner Livengood** – suggested that Commissioners contact their respective City Council Members about the Commission's recommendation that staff reevaluate the Downtown Parking Master Plan.

**Commissioner Burnett** – informed the public that the Environmental Board is accepting applications for community awards, suggesting that those interested in nominating a particular business, group or organization contact Ricky Ramos, staff liaison to the Environmental Board at (714) 536-5271.

**Commissioner Fuhrman** – thanked staff for coordinating the Commission's attendance at the Planner's Institute and also recommended that the Commission meet on April 26 for a study session to continue their discussion on the study session priority list.

Commissioner's Livengood, Dingwall and Dwyer announced that they would not be available to meet on April 26.

**F-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**

**Scott Hess, Planning Manager** – reported on the Planning Department items heard before the City Council on April 4, 2005.

**F-2. CITY COUNCIL ITEMS FOR THE NEXT MEETING**

**Scott Hess, Planning Manager** – reported on the Planning Department items scheduled before the City Council on April 18, 2005.

**F-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

**Herb Fauland, Principal Planner** – reminded the Commission that the regular meeting of April 26, 2005 has been cancelled.

**ADJOURNMENT:**

**A MOTION WAS MADE BY FUHRMAN, SECONDED BY DINGWALL, TO SET THE TIME TO ADJOURN AT 9:40 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING OF MAY 10, 2005, BY THE FOLLOWING VOTE:**

**AYES:** Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Fuhrman  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**MOTION APPROVED**

Chair Ray asked if the Commission would consider holding a study session on April 26 to discuss study session priorities. Commissioner Fuhrman suggested adding a recap of the Planner's Institute held on April 13-15, 2005 in Pasadena. Commissioner's Dingwall, Livengood and Dwyer reminded the Chair of their absence on that evening.

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RAY, TO HOLD A STUDY SESSION AND/OR PUBLIC HEARING ON MAY 24, 2005, BY THE FOLLOWING VOTE:**

**AYES:** Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Fuhrman  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**MOTION APPROVED**

**The meeting adjourned at 9:40 p.m. to the next regularly scheduled meeting of May 10, 2005.**

APPROVED BY:

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Howard Zelefsky, Secretary

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Steve Ray, Chair